

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

MARCEL MENDEZ, on behalf  
of himself and others similarly situated,

Plaintiff,

Case No.: CV-11-6316

v.

Cote, J.  
Maas, M.J.

PIZZA ON STONE, LLC (d/b/a ADRIENNE'S  
PIZZA BAR), FRANK CASANO, PETER  
POULAKAKOS and NICK ANGELIS,

Defendants.

---

**NOTICE OF PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL  
OF SETTLEMENT AND APPROVAL OF PLAINTIFF'S PROPOSED NOTICE OF  
PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT**

Please take notice that upon the accompanying Memorandum of Law, Proposed Order (attached hereto as Exhibit 1), and Declaration of C.K. Lee and annexed materials, the Plaintiff, on behalf of himself and others similarly situated, by his undersigned attorneys, hereby moves (without any opposition by Defendants) for the following relief in this Fair Labor Standards Act collective action and New York Labor Law class action:

- 1) Preliminary approval of the settlement memorialized in the Settlement and Release Agreement ("Settlement Agreement"), attached to the Declaration of C.K. Lee ("Lee Aff.") as Exhibit A, which sets the following settlement procedure:

On or before January 31, 2013	Parties will move for Preliminary Approval of Settlement Agreement and Release
10 days after Preliminary Approval <b>PROPOSED: _____, 2013</b>	Defendants' counsel will provide the Settlement Administrator a mailing list in electronic form containing the names, last known addresses, email and telephone numbers for all Class Members as that information exists on file with Defendants.
20 days after Preliminary Approval: <b>PROPOSED: _____, 2013</b>	Mailing of Class Notice.
45 days after date of first mailing of Class Notice: <b>PROPOSED: _____, 2013</b>	Last day for Class Members to "opt out" of the Settlement or to submit written objections to the Settlement.
45 days after date of first mailing of Class Notice: <b>PROPOSED: _____, 2013</b>	Last day for Class Members to qualify as an Authorized Claimant by filing claim forms to join FLSA settlement.
48 days after first mailing of Class Notice: <b>PROPOSED: _____, 2013</b>	Class counsel will file with the Clerk of the Courts copies of any Opt-out Statements and send a final list of all Opt-out Statements to Defendants' Counsel by email.
60 days after date of first mailing of Class Notice: <b>PROPOSED: _____, 2013</b>	Last day for filing and service of papers in support of final Settlement Approval
<b>_____, 2013 11:00 AM</b>	Final Settlement approval hearing.

2) Approval of the Proposed Notice of Pendency of Class Action and Proposed Settlement ("Notice"), which is attached as Exhibit B to the Lee Declaration, and directs its distribution to the class.

3) Approval of the proposed Order attached hereto as Exhibit 1.

Dated: January 31, 2013

Respectfully submitted,

LEE LITIGATION GROUP, PLLC  
C.K. Lee (CL 4086)  
30 East 39<sup>th</sup> Street, Second Floor  
New York, NY 10016  
Tel.: 212-465-1188  
Fax: 212-465-1181  
*Attorneys for Plaintiff*

By: /s/ C.K. Lee  
C.K. Lee (CL 4086)